

106TH CONGRESS
2D SESSION

H. R. 4777

To establish the Commission on Gasoline and Fuel Pricing.

IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2000

Ms. KAPTUR introduced the following bill; which was referred to the
Committee on Commerce

A BILL

To establish the Commission on Gasoline and Fuel Pricing.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; FINDINGS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Commission on Gasoline and Fuel Pricing Act of 2000”.

6 (b) **FINDINGS.**—Congress finds the following:

7 (1) During the first 6 months of the year 2000,
8 gasoline and natural gas prices increased as much as
9 100 percent in several regions of the United States.

10 (2) For many families and businesses, the in-
11 crease in gasoline prices has become an emergency

1 as costs are rising faster than their ability to keep
2 pace.

3 (3) Trucking and transport firms, petroleum
4 fuel-dependent businesses, homeowners, farmers,
5 and even charitable organizations whose transpor-
6 tation budgets are being pushed over their projected
7 expenditures are feeling the crunch of rising fuel
8 prices.

9 (4) The growing dependence of the United
10 States economy on foreign oil is a national strategic
11 vulnerability, as imported crude has doubled in price
12 to over \$30 per barrel with resulting price increases
13 being passed on to consumers. In regions such as
14 the Midwest, gasoline is selling at the pump for
15 \$2.00 per gallon or more.

16 (5) Refining capacity in the United States has
17 diminished over the past 20 years, resulting in his-
18 torically low fuel reserves in most regions of the
19 United States.

20 **SEC. 2. ESTABLISHMENT.**

21 There is established a commission to be known as the
22 “Commission on Gasoline and Fuel Pricing” (in this Act
23 referred to as the “Commission”).

24 **SEC. 3. DUTIES OF COMMISSION.**

25 The duties of the Commission shall be to—

1 (1) ascertain reasons for the spiraling, atypical
2 increase in retail prices of gasoline on both regional
3 and national levels;

4 (2) determine to what extent the increased price
5 of gasoline is caused by market manipulation and
6 the anticompetitive practices of multinational oil
7 companies, OPEC production quotas, processor, re-
8 finer dealer, and distributor market manipulations,
9 as well as Government regulations relating to refor-
10 mulated gas and other environmental standards; and

11 (3) make recommendations as to how the
12 United States can move toward domestic energy self-
13 sufficiency in this decade.

14 **SEC. 4. MEMBERSHIP.**

15 (a) NUMBER AND APPOINTMENT.—The Commission
16 shall be composed of 5 members appointed as follows:

17 (1) 2 members appointed by the President.

18 (2) 2 members appointed by the Congress.

19 (3) 1 member appointed by the Chairperson of
20 the Board of Governors of the Federal Reserve Sys-
21 tem.

22 (b) TERMS.—Each member shall be appointed for the
23 life of the Commission.

24 (c) BASIC PAY.—Members shall serve without pay.

1 (d) TRAVEL EXPENSES.—Each member shall receive
2 travel expenses, including per diem in lieu of subsistence,
3 in accordance with sections 5702 and 5703 of title 5,
4 United States Code.

5 (e) QUORUM.—Four members of the Commission
6 shall constitute a quorum, but a lesser number may hold
7 hearings.

8 (f) CHAIRPERSON.—The Chairperson of the Commis-
9 sion shall be elected by the members.

10 (g) MEETINGS.—The Commission shall meet at the
11 call of the Chairperson or a majority of its members.

12 **SEC. 5. DIRECTOR AND STAFF OF COMMISSION; EXPERTS**
13 **AND CONSULTANTS.**

14 (a) DIRECTOR.—The Commission shall have a Direc-
15 tor who shall be appointed by a majority of the members
16 of the Commission.

17 (b) STAFF.—With the approval of the Commission,
18 and without regard to section 5311(b) of title 5, United
19 States Code, the Director may appoint and fix the pay
20 of additional personnel as the Director considers appro-
21 priate.

22 (c) APPLICABILITY OF CERTAIN CIVIL SERVICE
23 LAWS.—The Director and staff of the Commission may
24 be appointed without regard to the provisions of title 5,
25 United States Code, governing appointments in the com-

1 petitive service, and may be paid without regard to the
2 provisions of chapter 51 and subchapter III of chapter 53
3 of that title relating to classification and General Schedule
4 pay rates, except that an individual so appointed may not
5 receive pay in excess of the annual rate of basic pay pay-
6 able for GS-14 of the General Schedule.

7 (d) EXPERTS AND CONSULTANTS.—With the ap-
8 proval of the Commission, the Director may procure tem-
9 porary and intermittent services under section 3109(b) of
10 title 5, United States Code, but at rates for individuals
11 not to exceed the daily equivalent of the maximum annual
12 rate of basic pay payable for GS-14 of the General Sched-
13 ule.

14 (e) STAFF OF FEDERAL AGENCIES.—Upon request
15 of the Commission, the head of any Federal department
16 or agency may detail, on a reimbursable basis, any of the
17 personnel of that department or agency to the Commission
18 to assist it in carrying out its duties under this Act.

19 **SEC. 6. POWERS OF COMMISSION.**

20 (a) HEARINGS AND SESSIONS.—The Commission
21 may, for the purpose of carrying out this Act, hold hear-
22 ings, sit and act at times and places, take testimony, and
23 receive evidence as the Commission considers appropriate.
24 The Commission may administer oaths or affirmations to
25 witnesses appearing before it.

1 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-
2 ber or agent of the Commission may, if authorized by the
3 Commission, take any action which the Commission is au-
4 thorized to take by this section.

5 (c) OBTAINING OFFICIAL DATA.—The Commission
6 may secure directly from any department or agency of the
7 United States information necessary to enable it to carry
8 out this Act. Upon request of the Chairperson of the Com-
9 mission, the head of that department or agency shall fur-
10 nish that information to the Commission.

11 (d) MAILS.—The Commission may use the United
12 States mails in the same manner and under the same con-
13 ditions as other departments and agencies of the United
14 States.

15 (e) ADMINISTRATIVE SUPPORT SERVICES.—Upon
16 the request of the Commission, the Administrator of Gen-
17 eral Services shall provide to the Commission, on a reim-
18 bursable basis, the administrative support services nec-
19 essary for the Commission to carry out its responsibilities
20 under this Act.

21 (f) SUBPOENA POWER.—

22 (1) IN GENERAL.—The Commission may issue
23 subpoenas requiring the attendance and testimony of
24 witnesses and the production of any evidence relat-
25 ing to any matter which the Commission is empow-

1 ered to investigate by section 3. The attendance of
2 witnesses and the production of evidence may be re-
3 quired from any place within the United States at
4 any designated place of hearing within the United
5 States.

6 (2) FAILURE TO OBEY A SUBPOENA.—If a per-
7 son refuses to obey a subpoena issued under para-
8 graph (1), the Commission may apply to a United
9 States district court for an order requiring that per-
10 son to appear before the Commission to give testi-
11 mony, produce evidence, or both, relating to the
12 matter under investigation. The application may be
13 made within the judicial district where the hearing
14 is conducted or where that person is found, resides,
15 or transacts business. Any failure to obey the order
16 of the court may be punished by the court as civil
17 contempt.

18 (3) SERVICE OF SUBPOENAS.—The subpoenas
19 of the Commission shall be served in the manner
20 provided for subpoenas issued by a United States
21 district court under the Federal Rules of Civil Pro-
22 cedure for the United States district courts.

23 (4) SERVICE OF PROCESS.—All process of any
24 court to which application is be made under para-
25 graph (2) may be served in the judicial district in

1 which the person required to be served resides or
2 may be found.

3 **SEC. 7. REPORT.**

4 The Commission shall transmit a report to the Con-
5 gress not later than October 1, 2000. The report shall con-
6 tain a detailed statement of the findings and conclusions
7 of the Commission, together with its recommendations for
8 legislation the Commission considers appropriate.

9 **SEC. 8. TERMINATION.**

10 The Commission shall terminate 60 days after sub-
11 mitting its final report pursuant to section 7. Section
12 14(a)(2)(B) of the Federal Advisory Committee Act (5
13 U.S.C. App.; relating to the termination of advisory com-
14 mittees) shall not apply to the Commission.

15 **SEC. 9. BUDGET ACT COMPLIANCE.**

16 Any spending authority (as defined in subparagraphs
17 (A) and (C) of section 401(e)(2) of the Congressional
18 Budget Act of 1974 (2 U.S.C. 651(e)(2)(A) and (C))) au-
19 thorized by this Act shall be effective only to such extent
20 and in such amounts as are provided in appropriation
21 Acts.

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